

COPY

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 Estate of VALERIE YOUNG, by VIOLA YOUNG, as
6 Administratrix of the Estate of Valerie Young,
and in her personal capacity, SIDNEY YOUNG, and
LORETTA YOUNG LEE,

7 Plaintiffs,

8 -against-

Index No.
07CV6241

9 STATE OF NEW YORK OFFICE OF MENTAL RETARDATION
AND DEVELOPMENTAL DISABILITIES, PETER USCHAKOW,
10 personally and in his official capacity, JAN
WILLIAMSON, personally and in her official
11 capacity, SURESH ARYA, personally and in his
official capacity, KATHLEEN FERDINAND, personally
12 and in her official capacity, GLORIA HAYES,
personally and in her official capacity, DR.
13 MILOS, personally and in his official capacity,
Defendants.
14 -----X
15

16 EXAMINATION BEFORE TRIAL of the
17 Plaintiff, LORETTA LEE, taken by the Defendant,
18 pursuant to Notice, held at the Office of the
19 Attorney General, 120 Broadway, New York, New
20 York 10271 on January 28, 2008, at 12:45 p.m.,
21 before a Notary Public of the State of New York.
22
23
24
25

1 L. LEE

2 A. Because I work during the week and
3 I always made it my business to at least visit
4 her once a month.

5 Q. You said you visited her on a
6 Saturday?

7 A. Yes, that is right.

8 Q. Do you work on Saturday?

9 A. I work Monday to Friday.

10 Q. Did Valerie know who you were when
11 you visited her?

12 A. Yes, she did.

13 Q. I want to show you a copy of the
14 complaint that's been filed in this lawsuit.

15 A. Okay.

16 Q. Okay.

17 Why don't you look through all the
18 pages to make sure what is on each page.

19 A. Okay.

20 Q. When you visited Valerie at the
21 Brooklyn Development Center, what would she be
22 doing?

23 A. She would be sitting down.
24 Sometimes she would be walking around. Mostly
25 she would be sitting.

1 L. LEE

2 Q. Again, I apologize certain
3 questions I am going to ask you --

4 A. I understand.

5 Q. How did Valerie Young die? What is
6 your understanding of how she died?

7 MR. KAISER: Objection.

8 A. Valerie died from some type of a
9 blood clot. If it had been treated, she would
10 have not passed away.

11 Q. Now, do you think that any of the
12 defendants knew prior to her death that she had a
13 blood clot that would kill her?

14 MR. KAISER: Objection.

15 A. I don't know, no.

16 Q. Just so we are clear, do you think
17 any of the defendants knew prior to her dying
18 that she had this blood clot that was going to
19 kill her?

20 MR. KAISER: Objection.

21 A. No.

22 Q. Now, prior to June 19, 2005, were
23 you aware that Valerie suffered from blood clots?

24 A. No.

25 Q. Were you aware that she suffered

1 I. LEE

2 from any medical condition that might lead to
3 blood clots?

4 MR. KAISER: Objection.

5 A. No.

6 Q. Just so we are clear, prior to June
7 19, 2005, did you believe that Valerie Young was
8 in danger of suffering a blood clot due to any
9 medical condition that she had?

10 MR. KAISER: Objection.

11 A. No.

12 Q. If you would have known you would
13 have communicated that to somebody?

14 A. Correct.

15 MR. KAISER: Objection.

16 Q. You would have spoken to your mom
17 as you testified or you would have spoken
18 directly to somebody at Brooklyn Developmental
19 Center, correct?

20 MR. KAISER: Objection.

21 A. Yes.

22 Q. You would have requested for action
23 to be taken if you thought this was going to
24 happen?

25 MR. KAISER: Objection.

1 L. LEE

2 A. Exactly.

3 Q. Prior to June 15, 2005 -- let me
4 take a step back.

5 Do you think that any of the
6 defendants knew that she had a medical condition
7 that would lead to a blood clot that could kill
8 her that they would have communicated to anyone
9 else in the Brooklyn Developmental Center that
10 this needs to be taken care of.

11 MR. KAISER: Objection.

12 A. I think they would have taken care
13 of it if they knew.

14 Q. If they knew?

15 A. If they knew.

16 Q. Just so we are clear, if you would
17 have known she had a medical condition that would
18 have lead to a blood clot that could ultimately
19 killed her, you would have communicated that to
20 the Brooklyn Developmental Center staff, correct?

21 A. Yes.

22 MR. KAISER: Objection.

23 Q. It is also your testimony that you
24 believe if any of the defendants knew that
25 Valerie had a medical condition that would lead

1 L. LEE

2 to a blood clot that they too would have
3 communicated to someone in the hospital treatment
4 team to get it corrected?

5 MR. KAISER: Objection.

6 A. Yes.

7 Q. This goes back to then why you are
8 saying they were negligent. Because if they knew
9 what was going on, you feel they would have done
10 something about it because it is your thinking or
11 your opinion that since they were negligent, they
12 didn't even reach that point?

13 MR. KAISER: Objection.

14 A. What I feel is since Valerie had
15 that problem that she was having, if they had
16 sent her out when she first started this, that
17 they would have caught that blood clot, okay.

18 Q. Are you aware what medical
19 treatment she was receiving during that time?

20 A. No, I was not aware of any medical
21 treatment. No, I was not.

22 Q. You are not saying that she was not
23 getting any medical treatment, is just that you
24 weren't aware of what medical treatment she was
25 receiving?

1 L. LEE

2 MR. KAISER: Objection.

3 A. Right.

4 Q. When you say, "they should have
5 sent her out," are you saying she should have
6 been evaluated to see what the problem with her
7 leg was?

8 MR. KAISER: Objection.

9 A. Yes.

10 Q. If they did evaluate her and didn't
11 find anything, would that be something that would
12 make you feel better?

13 MR. KAISER: Objection.

14 A. Yes, if they had sent her out and
15 they would have find out, that would have been a
16 feeling.

17 MR. KAISER: Objection.

18 Q. When you say, sent her out --

19 A. Sent her out to a hospital for
20 tests.

21 MR. KAISER: Objection.

22 A. For tests.

23 Q. Do you know Brooklyn Developmental
24 Center had medical staff in the center, correct,
25 they had treating doctors there?

1 L. LEE

2 A. Yes, they do. I am aware of, yes.
3 But for the length of time that Valerie was
4 having these problems, she should have been sent
5 out to a hospital for tests like MRIs to see what
6 was wrong with her leg. That was not done.

7 Q. So is it fair to say you disagree
8 with the medical treatment that they provided her
9 by not sending her outside?

10 MR. KAISER: Objection.

11 A. I agree.

12 Q. If it was their opinion, that they
13 didn't have to sent her out to an outside
14 hospital because they did sufficient tests in the
15 Brooklyn Developmental Center to see what her
16 problem was --

17 MR. KAISER: Objection.

18 Q. -- how would you characterize that
19 as disagreeing with their medical opinion or
20 negligent or both?

21 A. Yes, both.

22 MR. KAISER: Objection.

23 A. Both.

24 Q. Just so we are clear, you are
25 disagreeing with their medical opinion regarding

1 L. LEE

2 whether she needed to be sent out?

3 A. Yes.

4 Q. You think they were negligent for
5 not sending her out?

6 MR. KAISER: Objection.

7 A. Yes.

8 Q. Prior to June 19, 2005, do you
9 think Valerie Young tried to communicate, I know
10 verbally she was very limited, do you think she
11 tried to communicate to you or anyone else in
12 your family that she felt she had a serious
13 problems with her legs?

14 A. No.

15 Q. So what you are saying is, she did
16 not communicate any fear that she had regarding
17 her leg to you or to your mother?

18 A. No, she could not do that.

19 Q. Just so I am clear, prior to
20 June 19, 2005, did you contact any of the
21 defendants to communicate to them that you feared
22 for Valerie Young's health related to her
23 suffering to her medical condition to her leg?

24 MR. KAISER: Objection.

25 A. I did not personally, my mother.

L. LEE

Q. You are saying your mother communicated to the staff at Brooklyn Developmental Center that she was concerned about the medical condition related?

A. Yes.

Q. What did she communicate to them?

MR. KAISER: Objection.

A. She would ask them, "Why is Valerie limping like that? What is wrong with her leg?" And like I said before, they would tell her she had a dropped foot. That was their diagnosis.

Q. You think that problem with the dropped foot is the reason why she ended up having her blood clot that killed her?

MR. KAISER: Objection.

A. Yes.

Q. Why did you think that?

A. I feel that way it was a blood clot, the type of blood clot that Valerie died from is a type that it travels in your body, if it goes undetected, it will kill you just like that.

Q. You are saying you feel that way, you haven't had a medical doctor tell you that

1 L. LEE

2 her dropped foot was the reason why she had the
3 clot that killed her?

4 MR. KAISER: Objection.

5 A. No.

6 Q. You said your mother communicated
7 to the Brooklyn Developmental Center, so what did
8 she communicate to them?

9 MR. KAISER: Objection.

10 A. My mother was always going there,
11 she was always interacting with the staff members
12 that you named, always because she was always
13 going there on the weekdays and the weekends as
14 well.

15 Q. Just for the record, the records do
16 indicate your mother did visit Valerie on a very
17 regular basis and was a very, very caring mother.

18 A. Yes, she was.

19 Q. But unfortunately these are the
20 same records that don't seem to indicate that
21 there was visits from other members of the
22 family.

23 A. They have them when I did sign
24 them. They did have them.

25 Q. Your testimony is you did sign in

1 L. LEE

2 to this?

3 MR. KAISER: Objection.

4 A. Oh, yes.

5 Q. What did your mother communicate to
6 the hospital regarding Valerie's leg?

7 MR. KAISER: Objection.

8 A. She would ask them, "Why is Valerie
9 walking like this?"

10 Q. You know this because your mother
11 would tell you?

12 A. Yes, and I was there at times when
13 she would ask.

14 Q. What would be the response that she
15 got?

16 A. They always told mommy that it was
17 her dropped foot.

18 Q. So is it fair to say you and your
19 mother were concerned with her gait, the way she
20 was walking? You wanted to know what was wrong
21 with her leg that lead her to walk like that?

22 A. Yes.

23 Q. Prior to June 19, 2005, you weren't
24 concerned that her gait or the problem with her
25 leg was going to lead to have her blood clot that

1 L. LEE

2 was going to kill her?

3 MR. KAISER: Objection.

4 A. Nobody knew that.

5 Q. When you say, "nobody knew that,"
6 you are not just including yourself, you are
7 saying even the defendants, correct?

8 MR. KAISER: Objection.

9 A. Well, I did not know it. I don't
10 believe they knew it either.

11 Q. Now, the blood clot that traveled
12 to Valerie's lung and killed her, do you think
13 any of the defendants were directly involved with
14 that?

15 A. Directly?

16 Q. Yes.

17 A. No.

18 Q. How were they involved?

19 MR. KAISER: Objection.

20 A. By not sending her out, to see what
21 was going on. If they had sent Valerie out like
22 I said, if they had sent Valerie out to the
23 hospital for tests, they would have picked up on
24 that.

25 Q. That is your opinion, a medical

1 L. LEE

2 doctor hasn't told you that?

3 A. That is my opinion.

4 Q. Do you think that any of the
5 defendants took any action that facilitated the
6 incident, in another words, that created or lead
7 to the incident of the blood clot that developed
8 on Valerie's legs and worked its way up on the
9 lungs?

10 MR. KAISER: Objection.

11 A. I don't know.

12 Q. When you say, you don't know, how
13 could they have created or facilitated something
14 like that to happened?

15 MR. KAISER: Objection.

16 A. Well, they did not know that it
17 would have lead to that.

18 Q. Do you think that they failed to
19 take any action that could have stopped the
20 incident again, the incident being the blood clot
21 developing and working its way up to Valerie's
22 lungs?

23 MR. KAISER: Objection.

24 A. Yes.

25 Q. You already testified that they

1 L. LEE

2 could have referred her to an outside hospital,
3 anything else besides that that you feel in terms
4 of action that they could have taken?

5 MR. KAISER: Object.

6 A. That is what I feel they could have
7 done, send her out for more advance medical
8 tests.

9 Q. When did you first learn about the
10 incident or the events of June 19, 2005? In
11 other words, where were you when it occurred?

12 MR. KAISER: Objection to the form.

13 A. I was home. I had just gotten home
14 because my mother -- I had taken her to the
15 hospital. I came home. She called me. She told
16 me that she had called the Brooklyn Developmental
17 Center, which she always does on Sunday, to see
18 how Valerie was doing. She said, that they told
19 her that they were rushing her to the hospital.
20 Mommy asked me to go back to the hospital,
21 Brookdale, that is where they were taking her.
22 I went there and she had passed on her way there.

23 Q. So you found out from your mother
24 that there was a problem?

25 A. Yes.

1 L. LEE

2 Q. That you needed to go to Brookdale
3 Hospital?

4 A. She told me, "Loretta, please go
5 there and see what is wrong." She was in the
6 hospital for her heart.

7 Q. When you arrived there, who was
8 there?

9 A. My husband was there and my brother
10 was there.

11 Q. You said, your husband was there?

12 A. Yes.

13 Q. Your brother being Sidney?

14 A. Yes.

15 Q. Who else was there?

16 A. The employees from Brooklyn
17 Developmental Center who came with her in the
18 ambulance.

19 Q. Did you speak to any of them?

20 MR. KAISER: Objection to form.

21 A. I asked them, I forgot, I don't
22 know her name. But the one that came with
23 Valerie, I asked her what happened and they said,
24 that she just fell when they were giving her a
25 shower. That was all because I broke down

1 L. LEE

2 because I didn't believe what was happening.

3 Q. After you spoke to your mother, did
4 you contact anyone to let them know what happened
5 to Valerie?

6 A. After I had finally got myself
7 together to go in there in the room where they
8 had her, we all got together and we went to Long
9 Island College Hospital where mommy was to tell
10 her that it was true.

11 Q. So you were able to see her that
12 same day, your mother and let her know what
13 happened?

14 A. They let us go up that night
15 because it was late and after hours.

16 Q. Do you remember what you discussed
17 that day with your mother?

18 A. After I found out that Valerie had
19 passed?

20 Q. Yes.

21 A. Somebody had a cell phone, I
22 remember mommy asking me, "What happened, what
23 happened, is it true, is it true, is Valerie
24 okay, was Valerie okay? "

25 I told her that Valerie had passed.

1 L. LEE

2 I was afraid for mommy because mommy was in the
3 hospital for her own condition.

4 Q. Are you okay?

5 A. (No response).

6 MR. KAISER: Why don't we give her
7 five minutes.

8 (Whereupon, a short recess was
9 taken.)

10 Q. You were testifying that you
11 discussed what happened to Valerie with your
12 family and with the Brooklyn Developmental staff
13 that was there? Who else did you discuss it
14 with?

15 A. Just mommy. Like I said, we asked
16 whoever was at staff, why her leg was like that.
17 Why she was tripping all the time too.

18 Q. Now, after June 19, 2005, did you
19 try to contact any of the defendants to discuss
20 what happened?

21 A. No.

22 Q. Why not?

23 A. My mother. Again, mommy was the
24 leader. She was the one that always took care of
25 those things.